

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 21 MAR 2005

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To:
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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **17 MAR 2005**

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

5579-103WO

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/27142

19 August 2004 (19.08.2004)

20 August 2003 (20.08.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): H04M 7/00; G06F 17/27, 17/60; H04N 3/00 and US Cl.: 709/204, 206, 227; 348/14.11; 379/93.21, 201.01, 223, 265.01

Applicant

SCHUNDLER, BRETT

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/27142

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/27142

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>2, 9, and 16 - 17</u>	YES
	Claims <u>1, 3, 8, 10, and 15</u>	NO
Inventive step (IS)	Claims <u>4 - 7, 11 - 14, and 18 - 21</u>	YES
	Claims <u>1 - 3, 8 - 10, and 15 - 17</u>	NO
Industrial applicability (IA)	Claims <u>1-21</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1, 3, 8, 10, and 15 lack novelty under PCT Article 33(2) as being anticipated by Hammarstrom et al (US 6,044, 142; hereinafter Hammarstrom).

Regarding claims 1, 8, and 15, Hammarstrom teaches a communications management method, system and apparatus for a distributed call center (fig. 1; col. 5, lines 22 - 28), providing a managing server (24, fig. 1; col. 5, lines 28 - 31); providing a display device located geographically distant from said managing server (col. 5, lines 42 - 46); providing a communications device, located in proximity to said display device (40, fig. 1; col. 5, lines 35 - 42); providing an operator capable of operating said communications device (col. 5, lines 39 - 46); sending a message template and prospect identification information related to a prospect from said managing server to said display device (col. 4, lines 11 - 18; col. 8, lines 50 - 52); initiating communication with said prospect, by said operator, using said identification information and said communications device (col. 8, lines 52 - 62); creating a customized message using said message template and said prospect identification information (col. 7, lines 26 - 67); and conveying, by said operator, said customized message to said named prospect (col. 9, lines 39 - 61).

Claims 2, 9, and 16 - 17 lack an inventive step under PCT Article 33(3) as being obvious over Hammarstrom et al (US 6,044, 142; hereinafter Hammarstrom) in view of Gessner et al (US2004/0143493; hereinafter Gessner).

Regarding claims 2, 9, and 16 - 17, Hammarstrom teaches substantially all the claimed limitations, but fails to specifically teach the idea of recording a response of said prospect by said operator, and sending said recorded response to said managing server.

However, Gessner teaches, in an analogous art, an integrated network entry system, which teaches the idea of recording a response of said prospect by said operator, and sending said recorded response to said managing server (paragraph [0019]).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hammarstrom's device by recording a response of said prospect by said operator, and sending said recorded response to said managing server as evidenced by Gessner for the purpose of reducing cost in a distributed call center system.

Claims 4 - 7, 11 - 14, and 18 - 21 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest, including the limitations of the independent claims 1, 8, and 15, a communications management method, system and apparatus for a distributed call center, which further provides a list of volunteers electronically stored on said managing server, said list of volunteers comprising names and contact information related to said volunteers; and selecting said operator from said list of volunteers.